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Attorney Docket P1467R2P2

PATENT

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Anna Kan  
Anna Kan

16591 U.S. PTO  
10/608626  
06/27/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NON-PROVISIONAL APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)**

Transmitted herewith for filing is a non-provisional patent application:

Inventor(s) (or Application "Identifier"):

**Stephen M. Kelsey, Montara, California**  
**Mark X. Sliwowski, San Carlos, California**

Title: **Treatment with Anti-ErbB2 Antibodies**

**1. Type of Application**

- ☐ This application is for an original, non-provisional application.
- ☐ This is a non-provisional application claiming priority to provisional application no. \_\_, filed \_\_, the entire disclosure of which is hereby incorporated by reference.
- ☒ This is a ☒ continuation-in-part ☐ continuation ☐ divisional application claiming priority to application Serial Number 10/268,501, filed October 10, 2002, which is a continuation-in-part of Serial Number 09/602,812 filed June 23, 2000, which is a non-provisional application filed under 37 CFR 1.53(b)(1), claiming priority under 35 USC 119(e) to provisional application number 60/141,316 filed June 25, 1999 the entire disclosures of which are hereby incorporated by reference.

**2. Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b) (Non-provisional)**

65 pages of specification  
1 pages of claims  
1 page(s) of abstract  
14 sheet(s) of drawings  
☒ formal ☐ informal

**3. Declaration or Oath**

*(for new and CIP applications; also for Cont./Div. where inventor(s) are being added)*

  X   An executed declaration of the inventor(s) [X] is enclosed   [] will follow.

*(for Cont./Div. where inventorship is the same or inventor(s) being deleted)*

       A copy of the executed declaration/oath filed in the prior application is enclosed  
(37 CFR 1.63(d)).

*(for Cont./Div. where inventor(s) being deleted)*

       A signed statement is attached deleting inventor(s) named in the prior  
application (see 37 CFR 1.63(d)(2) and 1.33(b)).

**4. Assignment**

*(for new and CIP applications)*

  X   An Assignment of the invention to GENENTECH, INC. [] is enclosed with  
attached Recordation Form Cover Sheet [X] will follow.

*(for cont./div.)*

       The prior application is assigned of record to Genentech, Inc.

**5. Amendments           (for continuation and divisional applications)**

       Cancel in this application original claims \_\_\_ of the prior application before calculating the  
filing fee. (At least one original independent claim must be retained for filing purposes.)

       A preliminary amendment is enclosed. (Claims added by this amendment have been  
properly numbered consecutively beginning with the number next following the highest  
numbered original claim in the prior application.)

**6. Fee Calculation (37 CFR 1.16)**

The fee has been calculated as follows:

CLAIMS FOR FEE CALCULATION					
Number Filed		Number Extra		Rate	Basic Fee 37 CFR 1.16(a)
					\$750.00
Total Claims	12	- 20 =	0	X \$18.00	\$0.00
Independent Claims	1	- 3 =	0	X \$84.00	\$0.00
Multiple dependent claim(s), if any				+ \$280.00	\$0.00
Filing Fee Calculation					\$750.00

**7. Method of Payment of Fees**

The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$750.00. **A duplicate copy of this transmittal is enclosed.**

**8. Authorization to Charge Additional Fees**

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16 and 1.17, or credit overpayment to Deposit Account No. 07-0630. **A duplicate copy of this transmittal is enclosed.**

**9. Additional Papers Enclosed**

- ☒ Information Disclosure Statement (37 CFR §1.98) w/ PTO-1449.
- ☒ Submission of "Sequence Listing", computer readable copy, certificate re: sequence listing, and/or amendment pertaining thereto for biological invention containing nucleotide and/or amino acid sequence.
- ☒ A new Power of Attorney or authorization of agent.
- ☐ Other:

**10. Maintenance of Copendency of Prior Application (for continuation and divisional applications)**

*[This item **must** be completed and the necessary papers filed in the prior application if the period set in the prior application has run]*

- \_\_\_\_\_ A petition, fee and/or response has been filed to extend the term in the pending prior application until
- \_\_\_\_\_ A copy of the petition for extension of time in the **prior** application is attached.

**11. Correspondence Address:**

X Address all future communications to:

Attn: Wendy M. Lee

Respectfully submitted,  
GENENTECH, INC.

By: \_\_\_\_\_

Wendy M. Lee

Reg. No. 40,378

Telephone No. (650) 225-1994



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PATENT TRADEMARK OFFICE